

REMARKS

Claims 14-17 are pending in the above-identified application. Claims 14-17 were rejected. With this Amendment, claims 14-17 were amended. Accordingly, claims 14-17 are at issue in the above-identified application.

Applicant would like to thank Examiner Ron Everett Pompey for his helpful and courteous discussion held with Applicant's representative on November 12, 2003. During the interview the claimed invention was discussed generally, along with the difference between the claimed invention and the prior art references. As a result, Applicant has agreed to amend the claims in order to clarify the claimed invention.

35 U.S.C. ¶ 103 Obviousness Rejection of Claims

Claims 14-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gill et al.* (U.S. Patent No. 5,156,991) in further view of additional prior art. Applicant respectfully traverses this rejection. *Gill et al.* discloses an electrically-erasable PROM or an EEPROM constructed using an enhancement transistor merged with a floating-gate transistor. The floating-gate transistor has a small tunnel window adjacent the source, in a contact-free cell layout, enhancing the ease of manufacture and reducing cell size. The device has bitlines (source/drain regions) that are buried beneath relatively thick silicon oxide, allowing a favorable ratio of control gate to floating gate capacitance. Applicant's amended claims are directed towards a method of manufacturing a device that comprises *performing a process on the semiconductor device during the manufacturing of the device that forms a current in the device, wherein the current is leaked to the bypass film*. None of the prior art references, either alone or in combination disclose performing a process on a semiconductor device *during the manufacturing of the device that forms a current* in the device, wherein the current is leaked to

the bypass film. Accordingly, Applicant submits that the claim invention is neither anticipated by nor obvious over the applied references, either alone or in combination. Withdrawal of these grounds of rejection is respectfully requested.

35 U.S.C. ¶ 112 Indefiniteness Rejection of Claims

Claim 17 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants have amended claim 17 to remove all reference to a "drain region." Applicants now believe claim 17 is in condition for allowance. Withdrawal of these grounds of rejection is respectfully requested.

CONCLUSION

In view of the remarks set forth above, Applicant respectfully submits that the present invention is in condition for allowance. Early notification to such effect is earnestly solicited. Should the Examiner have any remaining issue, Applicant kindly requests that the Examiner contact the undersigned.

Respectfully submitted,



David Rozenblat

Registration No. 47,044
SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, Illinois 60606-1080
(312) 876-8000

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By:

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